IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

MFA.No. 1131 of 2001()

OPMV.2126/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MANJERI

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APPELLANT:

NAFEESA, W/O.MOHAMMEDKUTTY,
PARAKKADAVU HOUSE,
P.O.PARAMBIL PEEDIKA,
VELIMUKKU, MALAPPURAM DIST.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:

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1. MOHAMMED SHERIEF,
S/O.ALIKUTTY,
PANDIKKAD HOUSE,
P.O.KONDOTTY. (DRIVER)

2. ABDUL SHUKKUR,
S/O.MOHAMMEDALI HAJI,
FATHIMA MANZIL,
P.O.PURAKKAMANNA, KIZHISSERI,
MALAPPURAM DIST. (OWNER)

3. UNITED INDIA INSURANCE CO. LTD.,
REP. BY DIVISIONAL MANAGER,
DIVISIONAL OFFICE, MANJERI.

R3 BY ADV. SRI.JOHN JOSEPH VETTIKAD

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

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M.F.A. No.1131 of 2001

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Dated this the 18th day of October, 2007.

JUDGMENT

Heard. Admitted. Sri.John Joseph Vettikkad takes notice for third respondent. Notice to respondents 1 and 2 is dispensed with. The appeal itself is heard and disposed of.

2. The appellant sustained injuries in a motor vehicle accident on 23.3.1995. She filed a petition claiming compensation impleading the owner, driver and the insurer. It was averred that the accident occurred due to the negligence of the driver of the vehicle. The owner and driver did not contest. The third respondent insurer alone contested. The coverage was admitted. But negligence alleged against the driver and quantum of compensation were disputed. The Tribunal found that the accident occurred due to the negligence of the driver of the vehicle. An amount of Rs.15,000/- was awarded as compensation. The insurer was directed to pay the amount. The petitioner herself had filed this appeal complaining inadequacy of compensation.

2. The only question arising for consideration in this appeal is whether the appellant is entitled to any enhancement in the compensation.

She was aged 24 years on the date of incident. A2 wound certificate shows that she sustained fracture of both pubic rami right side and other injuries. She was not given any amount either for disability or inconvenience, discomfort etc. Considering all aspects of the matter, I am of the view that the Tribunal ought to have awarded another ten thousand more to the appellant.

In the result, the appeal is allowed in part. An award is passed in favour of the appellant authorising her to recover an amount of rupees ten thousand (Rs.10,000/-) with 6% interest from the date of petition till the date of deposit. The insurer is directed to deposit the amount. On deposit, the appellant can withdraw the entire amount.

K.PADMANABHAN NAIR
Judge

pms